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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
SECDEF FOR OSD/GSA/CN,CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (ROBERTS AND DENYER)
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SUBJECT: CWC: WRAP-UP FOR SEPTEMBER 15-19, 2008

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SUMMARY

11. (U) Budget consultations continued apace, with a session on the International Cooperation and Assistance Branch September 15 and the first wrap-up session September 19. Questions flowed but there was no sign of agreement on the key issue -- the increase in OCPF inspections. The first facilitations on Article X and XI for the fall season demonstrated continued stalemate on X with Iran presenting (again) its vague proposal for a victims' network. Article XI moved forward incrementally with Iran finally agreeing to the Cuban proposal (from June) to plan a workshop that could brainstorm "concrete measures."

12. (SBU) Delreps participated in a meeting of the Executive Council representatives who visited the Shchuchye facility to review the draft report, a meeting with the UK, Italy and Technical Secretariat (TS) representatives to discuss Libya's conversion plans and the sandbag berm, as well as the weekly Western Group discussion.

WEOG

13. (SBU) On September 15, Coordinator Ruth Surkau (Germany) chaired the weekly meeting of the Western European and Others Group (WEOG). Surkau started with an overview of the September 11 budget consultation on the Inspectorate, characterizing it as politicized. She noted that two main issues raised during the consultation were the number of inspections of Other Chemical Production Facilities (OCPFs) and Iran's resistance to using the term "non-proliferation."

14. (SBU) Budget facilitator Martin Strub (Switzerland) said that Iran was isolated during the

consultation. On OCPFs, while Non-Aligned Movement (NAM) delegations appeared united in calling for continued discussions of OCPF-related issues, there is no common NAM position on OCPF inspection numbers. Strub announced that he would meet with Executive Council (EC) Chair Amb. Oksana Tomova (Slovakia) and EC Vice-Chair for Budget Issues Amb. Francisco Jose Aguillar (Costa Rica) on the need to restart OCPF discussions to avoid industry issues hijacking approval of the budget. The UK noted that WEOG delegations were also united in calling for restarting industry discussions, including on OCPFs. The Netherlands pointed out that OCPF discussion need to be moved out of the budget consultations and into the Industry Cluster and suggested that EC Vice-Chair for Industry Issues Amb. Benchaa Dani (Algeria) be included in Strub's discussions with Tomova and Aguillar.

¶5. (U) On universality, new facilitator Lee Litman (UK) announced that he would hold a consultation after the TS report comes out. He asked about a possible CSP decision and noted that the TS (Government Relations Head Malik Ellahi) did not believe one to be required. Ambassador Javits reported that the Dominican Republic is on the verge of acceding and that the Bahamas is under a heavy U.S. lobby also to accede. Surkau noted the TS plans a trip to Lebanon. German Ambassador Burkart said a decision may not be required but there may be good news to put into report language from some of these initiatives. Several delegations pointed to the need for balance among Articles if action is taken on X or XI and not VII, as well as the links between Article VII and universality.

BUDGET: INTERNATIONAL COOPERATION AND ASSISTANCE

¶6. (U) On September 15, budget facilitator Martin Strub (Switzerland) held a consultation on the International Cooperation and Assistance (ICA) Division's budget. Kalimi Mworio (Director, ICA) presented an overview of the Division's initiatives for 2009 and highlighted the Program for Africa, which she said will affect all ICA activities with increased support for African applicants. Mworio also noted that while all core ICA activities are primarily funded through the regular budget, many supplemental activities rely on voluntary contributions.

¶7. (U) Deputy Director-General (DDG) John Freeman announced that by the end of 2008, in response to States Parties' request for better assessment and evaluation of activities, the TS will have two training courses on program evaluation and impact assessment, with special emphasis on ICA. (NOTE: Del previously heard from the Netherlands that it will be providing the funding for this training.)

¶8. (U) The South African delegate questioned ICA's implementation rate for activities in 2008, noting that the Division has the second smallest staff in the TS (after External Relations Division) and citing the large under-spend in ICA in 2007. Mworio said that spending is on course and that she expects full utilization of the regular budget. Labib Sahab (Head, Budget) reported that, to date, ICA has obligated 82% of its budget (50% of which has been disbursed); the DDG noted the ICA historically spends more in the second half of the year.

¶9. (U) A number of delegations asked for clarification on ICA's key performance indicators (KPIs) - many of which are not measurable -- and also questioned inconsistencies throughout ICA's budget

narrative. Mworira promised to look into improving the KPIs and correcting any inconsistencies, and the DDG said that the TS would respond to them during the budget wrap-up consultations. The DDG also noted that any corrections raised during the budget consultations would be reflected in a corrigendum to be released prior to EC-54.

¶10. (SBU) Of note, Chinese Deputy PermRep Li Hong (apparently acting in his role as Article XI facilitator) twice asked for ICA support for the proposed Article XI workshop. The DDG responded that he was not aware of any concrete decision on the workshop proposal and no provision has been made to support it.

¶11. (SBU) Iran made a number of rambling, often incoherent interventions, but raised a few points of note:

- the need for emphasis on exchange of equipment and technology (instead of workshops and training);
- ICA's portion of the budget (8%) is insufficient and needs to be increased further with all increases going directly to the International Cooperation Branch (ICB);
- Tehran expects more specific Article X-related activities and will propose a decision for the Conference of States Parties (CSP), so the budget for the Assistance and Protection Branch (APB) might have to change after the budget is passed by the Executive Council (EC).

WRITING THE SHCHUCHYE VISIT REPORT

¶12. (U) On September 15, Delrep attended a meeting of the EC delegation that visited Shchuchye. As the initial draft of the report (drafted by TS rep Gabriela Coman-Enescu) had only just been circulated, participants had mostly general comments. There was agreement that for the most part this seemed to be a well-balanced and accurate account of the trip. A paragraph on the role of international contributions, placed as it was in the concluding section of the report, generated the most discussion. Coman-Enescu agreed to reexamine the language to ensure that it accurately portrayed Kholstov's remarks, but avoided giving any impression that the donors were somehow responsible for delays in the Russian program. EC Chair Tomova and Director-General (DG) Pfirter requested that comments be submitted by September 17, and scheduled a follow-up meeting for September 19.

U.S., UK AND ITALY MEETING WITH TS OFFICIALS ON LIBYA

¶13. (SBU) On September 16 Delreps, along with members of the UK and Italian delegations, met with members of the OPCW Chemical Demilitarization Branch (CDB) to discuss the procedural handling of Libya's request to retain the sandbag wall/berm around its former production facility at Rabta. Despite a U.S. request for Legal Affairs Office participation, no legal representative was present. CDB Head Anelli had previously explained to Delrep that the protective berm would simply be switched from the list of specialized structures to the list of standardized structures. When pressed for more information as to the legal precedent for this change, Anelli acknowledged that there had not, as yet, been an analogous situation, and indicated that the Secretariat thought it best not to draw too much attention to this request. He explained that there will likely be another set of equipment (following that added to the conversion plan at EC-53) added to the Libyan conversion plan, and that the Secretariat

planned to move the protective berm from one list to another in the annex to this note (that will likely be distributed for EC-55), but not highlight the change in the explanatory note. Once the change has been approved, using the standard silence procedure for changes to conversion plans, the TS will issue a corrigendum to the original conversion plan.

¶14. (SBU) Delrep expressed concern at attempting to pass off an unprecedented change with no accompanying explanation. Anelli asked whether it might be sufficient to have the Libyans provide a detailed justification in a national paper (also for EC 55). Delrep agreed to check with Washington but did not indicate satisfaction with what seems to be an unusually evasive approach by the Secretariat. UK Rep Wolstenholme indicated this would likely be acceptable for London, but will also confirm.

ARTICLE XI

¶15. (U) On September 17, Li Hong (China) facilitated an Article XI consultation attended by approximately 30 delegations. Li announced that he had raised the prospect of holding a workshop on the implementation of Article XI (as proposed originally by Cuba) during the most recent budget consultation to see if money would be available to fund it during the next year (see ICA above). Li regretted that the TS would not provide a clear answer until the State Parties reached agreement on whether to hold the workshop or not. In this regard, Li asked delegations to consider voluntary funding for such a workshop to augment OPCW funds.

¶16. (U) Li then opened the floor to discussion on whether delegations wanted to move forward with planning the workshop. U.S. Delrep expressed support for the workshop and a working group to discuss specific details (timing, budget, participants, goals) that could be reported back to the larger consultation. Several delegations followed in supporting this position, including China, South Africa, and WEOG countries. The facilitator suggested that Cuba might chair such a working group; the Cuban delegate said he would request permission to do so. By week's end, he privately told Delreps and others that Havana had not yet approved the sub-chair role.

¶17. (U) In the first intervention in consultations by the new Iranian delegate, Iran, which had previously blocked the workshop, agreed to a "dual track" approach, with the workshop as one track. He provided no further clarification on the second.

¶18. (U) The UK outlined its national paper on Article XI, which was distributed at this meeting (an earlier draft was shared with U.S. and WEOG and faxed to ISN). Li indicated in response to a question that the Indian paper has not been sent yet for distribution; India previewed the paper at the last Article XI meeting but was not present at this one.

¶19. (U) Li then moved onto the final agenda item: recommendations for the next EC and CSP. No delegation provided any thoughts on preferences for report language or a decision. Iran, however, did intervene with a request for the TS to prepare a compilation of all the historical documents addressing Article XI, including working papers drafted before the CWC went into effect. The Iranian delegate cited 1993 and 1996 proposals as an example. Ambassador Javits and several other delegations asked Iran to share a list of the documents it had researched, for the benefit of the group. Iran

responded that they did not have access to all these documents and repeated their plea for the TS to undertake such an exercise.

¶20. (SBU) After more discussion with some delegations acknowledging the value of historical review, Li struck a compromise in requesting the TS to work with Iran in compiling documents to be made available to all delegations. (U.S. Del Comment: This document search will take time, perhaps delaying discussion. The early dates cited by Iran may portend new battles to fend off old ideas on the breadth of exchange in Article XI. End Comment)

BUDGET: FIRST WRAP-UP SESSION

¶21. (U) On September 18, Budget facilitator Strub convened a wrap-up session on the first three consultations (Verification, Inspectorate and International Cooperation and Assistance). DDG Freeman and Head of Human Resources Ali Ashgar provided clarification to earlier questions on UN pay scales, calculation of inflation (the Euro zone not just the Netherlands), and differences in the numbers of positions at various pay grades. Iran noted that changes in posts required EC approval; the DDG acknowledged the requirement to do so but said that the differences reflected in the charts were not re-classifications of positions.

¶22. (U) Iran objected to the inclusion of Article VII activities within ICA and requested more information on specific purchases of equipment by the inspectorate, particularly after last year's "windfall" money that was used for equipment. On the first question, the DDG responded that if the ICA legal positions were not included there, the positions would not exist. The TS agreed to provide more information on specific equipment purchased. The South African delegate asked about the vacancy rate and currency exchange fluctuations. Ashgar reported that the vacancy rate is 15 days on average for inspectors, 45 days for P level staff, and "very small" for G-level positions since they are recruited locally. He confirmed that the TS does not use a structural vacancy rate.

¶23. (U) With no further questions from any other delegations, the facilitator inquired if there is agreement on the number of inspections. Flags rose immediately, with South Africa first out of the box to state that the lack of questions does not in any way signify agreement with the number of inspections. UK, Iran and Cuba followed with the same point. Strub summed up that unfortunately, no agreement on the number of inspections means that there is no agreement on the budget. South Africa clarified that this consultation was understood to be a question session not a time for decisions. (Del comment: Translation, the fight is still to come.)

ARTICLE X

¶24. (U) On September 18, incoming facilitator Victor Smirnovsky (Russia) chaired his first Article X consultations. The first agenda item was a presentation by UN Office for the Coordination of Humanitarian Affairs (UNOCHA) representative Martijn Viersma, who briefed delegations on UNOCHA's structure, functions, and coordination mechanisms (presentation forwarded separately to Washington). Viersma described in some detail the coordination response tools at UNOCHA's disposal and the phases of response to a humanitarian disaster. He then

outlined past and present cooperation between UNOCHA and the OPCW, and noted that an ad hoc dialogue had existed since 2000.

¶25. (U) Most recently, in April 2008 Assistance and Protection Branch (APB) Head Gennadi Lutay and Muhammad Kazi (APB staff) met with UNOCHA reps to elaborate on areas where the efforts of the two organizations might complement each other. Viersma noted that OPCW officers had been trained in the On-Site Operations Coordination Center (OSOCC) concept to facilitate future work together in a command post if the services of both organizations were to be required in response to a disaster. OPCW officers have also participated in UN Civil-Military training, UN Disaster Assessment and Coordination (UNDAC) training, and TRIPLEX exercises (a series of exercises under the umbrella of a voluntary partnership to provide emergency humanitarian assistance). Viersma also referred to possible cooperation between the OPCW and UNOCHA's Environmental Emergency section. He noted that other specific agreements could be developed.

¶26. (U) France inquired as to whether UNOCHA was planning specific exercises with the OPCW, and how UNOCHA would intervene in a terrorist attack. Viersma replied that areas for future cooperation are being considered, and that there was not a specific role for OCHA in a terrorist attack. Lutay noted that an OPCW team was currently participating in the TRIPLEX 2008 exercise, and also that the joint UNOCHA/UN Environment Program (UNEP) team that would respond to a hazardous material disaster might benefit from OPCW expertise. Lutay added that UNOCHA would likely need OPCW expertise in a situation in which safe (not contaminated) areas had to be clearly defined before the delivery of humanitarian assistance.

¶27. (U) Italy noted that delegations could learn from the organization and functions of UNOCHA, but that the specific mandate of the OPCW is limited. The Italian rep also asked about organic CW expertise at UNOCHA and how the OPCW fit into UNOCHA's phased response to a crisis. Viersma replied that UNOCHA has experts on call, but could benefit from OPCW expertise; he did not respond to the second question. He was also vague in response to a South African question as to the operational specifics of a response to a hypothetical large scale chemical incident in an underdeveloped, densely populated area, if the government asked for assistance. Lutay noted that there would be a shared process of initial assessment between the two organizations, which prompted a question from Germany about which organization or entity would take the lead. Lutay responded that national authorities would be the primary contacts and coordinators for requesting and accepting assistance.

¶28. (U) Iran then began its expected line of questioning about UNOCHA's role in helping victims of a CW attack, noting that rapid and appropriate response could mitigate long-term effects. Viersma responded by pointing out that UNOCHA's primary task is coordinating relief from other agencies, and not necessarily rendering assistance directly. Lutay added that Article X, Paragraph 7 offers of assistance could come into play, and that several States Parties had offered medical response/treatment.

¶29. (U) Iranian questions segued into Agenda Item 2, the Iranian proposal to establish a network for the victims of chemical weapons. Iran reiterated the proposal it has introduced several times in consultations, and noted its concern that the OPCW is

inadequately equipped to deal with this aspect of a CW attack. The Iranian delegation recommended the OPCW work on establishing itself as the focal point of a network of emergency responders and experts that the OPCW would then coordinate in the event of a CW incident. The delegate spoke at length, in turn positively noting the good work the Secretariat is doing in this area and the credit it should receive, then implying the TS is mandated to address this "hopeless situation." Iran bemoaned the fact that no one had provided feedback on its proposal; noted that it had hoped to "enrich" the proposal with the help of colleagues; and requested that the Secretariat begin working on a framework, beginning with identifying the needs of CW victims.

¶30. (U) Facilitator Smirnovsky noted that the Secretariat has made several presentations on the tools at its disposal regarding emergency assistance, and suggested that perhaps the Iranian proposal could use clarification. He also expressed some doubts about whether the OPCW was really staffed for the level of coordination Iran seemed to envision, and suggested that focusing on enhancing cooperation between OPCW and UNOCHA (clearly staffed for and experienced in coordination of relief) might be a more fruitful approach.

¶31. (U) The Iranian delegation made several additional interventions; the most noteworthy theme was the repeated use of the word "after care" (denoting long term care of CW victims). Iran also mentioned the use of the network to provide relief for existing victims of CW use, the most clear admission to date that this proposal is aimed at Iranian CW victims.

¶32. (SBU) Del comment: The presentation of the UNOCHA rep clearly demonstrated the complexity of coordinating emergency assistance, as well as UNOCHA's expertise and capabilities in this area. Smirnovsky's suggestion to focus on cooperation, as opposed to building an organic capability not foreseen by the Convention, was useful. Unfortunately, the Secretariat failed to take advantage of the UNOCHA presentation and the facilitator's remarks to make more convincingly the case that it could provide expertise and assistance in responding to CW emergencies. Over the past year, del has noticed a growing sense of frustration with the Secretariat in this area; although the TS is making progress on Article X, it seems unable to articulate this progress and/or respond effectively to delegations' questions. Responses are often defensive or fail to address the issue in question. The Czech and Dutch delegations have made significant efforts to improve TS communication of its achievements in this area, largely to no avail. It is unfortunate that the work of the Organization in a highly politicized area is inadequately represented. End comment.

¶33. (U) At the end of the meeting, the Secretariat circulated a status report on Article X, Paragraph 4 (National Protective Programs) declarations, as of September 18. While the deadline for submission is April and many have come in late, Lutay pointed out that so far this year 81 have been submitted so far, a reversal of last year's drop in submissions from ¶2006. An updated copy of the Iranian proposal for an International Network for Victims of Chemical Weapons was also circulated, as well as the Czech non-paper on Effective Implementation of Article X, as previously forwarded to Washington. Smirnovsky also reminded delegations of the report language from CSP-12, and set October 7 as the next date for consultations, at which the Czech non-paper will be discussed and the Secretariat will brief States

Parties on OPCW participation in TRIPLEX 2008.

[¶](#)34. (U) Beik sends.
Culberston